

Legislative Update

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April 22, 2005

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This Week:

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Department of Elder
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In theory, the legislature's last day is April 29th. However, rumors abound that the session will run additional days or weeks. From my perspective, completing the work yet to be done by next Friday would be unlikely, but I could be surprised. There is still a great deal of work to be done on a number of key issues such as a tobacco tax ([HF 215](#), [SF 130](#)), changes to the Medicaid system ([HF 841](#)) and the HHS budget bill ([HF 825](#)) and Consumer Choice and Education ([SF 341](#)). Many of the final decisions will be negotiated by leadership of both parties and the Governor.

Topics du jour:

[HF 841](#) – Iowa Cares

Amendment 1427 to this bill submitted by Representative Linda Upmeyer requires DHS to add case management as a service under the Title XIX HCBS Elderly Waiver. The amendment uses existing state dollars (matched by appropriations to the Department of Elder Affairs) to draw down additional federal financial participation (FFP) dollars. The amendment was adopted with a voice vote late Wednesday afternoon, and later the entire bill passed the full house by a vote of 100-0. The bill now moves to the Senate.

The department will be working with key legislators and others as the bill moves forward to further refine the language in the bill related to the provision of case management as a service under the Elderly Waiver.

DEA believes payment for ongoing case management under the waiver system is a positive step toward re-balancing Iowa's long term care system and will enhance the department's Case Management Program for Frail Elders.

PLEASE NOTE:

It is important to remember that adding case management as a service under the Title XIX HCBS Elderly Waiver is a *separate issue* from the need to fund the department's Case Management Program for Frail Elders (CMPFE) and the department still is in need of the additional \$500,000 requested by the Governor.

Why does the Department of Elder Affairs still need the additional \$500,000?

1. The department needs adequate resources to pay for ongoing case management for those individuals enrolled in the case management program who are not Medicaid eligible.
2. To fund functions and services not covered under the elderly waiver.
3. To conduct in-service training, consumer education and program promotion.
4. To provide options counseling to all older Iowans over the age of 60.

HF 825 – HHS Budget Bill

As discussed in the two previous legislative updates (April 8th and April 15th), the department has not yet received funding for the CMPFE program in the amount of \$500,000 and the state match for the Office of Substitute Decision Making in the amount of \$135,548.

The co-chairs of the Senate HHS appropriations committee are Senator Jack Hatch and Senator Maggie Tinsman. Contacting Senate leadership is also advisable regarding both the CMPFE appropriation and the state dollars needed to fund the Office of Substitute Decision making. Senate Leadership: [Senator Kibbie](#), [Senator Gronstal](#), [Senator Iverson](#) and [Senator Lamberti](#).

S.C.R. 11

This resolution (introduced by Senator Tinsman) establishes a planning group to unify long-term living services in Iowa for individuals aged 60 and older. Both Elder Affairs and the Area Agencies on Aging are represented as members of the committee. The report of this planning group is required no later than April 1 of 2006.

HF 862 – Tobacco Trust

The department receives no appropriation from the Tobacco Trust. However, note that 39.9 million dollars is appropriated to the Department of Human Services for Medicaid. The Department of Public Health also receives appropriations for programs such as Healthy Iowans, smoking prevention, substance abuse treatment and defibrillator grants.



Week in Review:

Monday

[SSB 1314](#) was introduced related to the Cigarette Tax for Property Tax Relief.

Tuesday:

The Governor signed [HF 478](#) Retired & Senior Volunteers and [SF 379](#) related to the Probate Code. [HF 589](#) was sent to the Governor for consideration related to Nursing Home Property Taxes, as were [HF 585](#) (assisted living); [HF 587](#) (adult day services); [HF 617](#) (assisted living waivers) and [HF 710](#) (elder group homes). [SF 407](#) was introduced by Senators Gronstal and Iverson related to Long Term Care Plans.

Wednesday:

[HF 841](#) (Iowa Cares) and [HF 862](#) (Tobacco Trust) both passed the full house.

Thursday:

[SF 407](#) was passed out of Senate Ways and Means and is now [SF 412](#).

Friday:

The Governor signed -

[SF 335](#) Relating to dependent adult abuse and unemployment compensation.

[HF 760](#) Relating to dependent adult protective services (departmental bill)

[SF 304](#) Relating to the Elder Iowans Act (department technical bill)

Regards,

Joel Wulf

DEA Legislative Liaison

For more information,
the Iowa Legislature
General Assembly
homepage is
www.legis.state.ia.us

■-□-■ IN THE LEGISLATURE ■-□-■

The following is a listing of the bills the department is supporting or monitoring. If you would like more information on a particular bill, click on its number and you will be directed to the Iowa General Assembly online bill book.

Departmental Bills:

[HF 539](#) **Medical Assistance Advisory Council** An Act relating to the membership of the council with which the director of human services consults regarding the medical assistance program. ([SSB 1042](#)) (Successor to [HSB 100](#)) (Human Resources) **Passed out of committee Floor manager: Tomenga. Placed on calendar under unfinished business. Amendment filed.**

[HF 585](#) **Assisted Living Programs** An Act relating to assisted living programs, providing for application of a penalty, and providing for a fee. **Passed both houses to Governor.**

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Departmental Bills

Departmental Bills continued

[HF 587](#) **Adult Day Care** An Act relating to adult day services regulation and providing penalties. **Passed both houses to Governor.**

[HF 710](#) **Elder Group Homes** An Act relating to the regulation of elder group homes and providing penalties. **Passed both houses to Governor.**

[HF 760](#) **Dependant Adult Abuse** A bill for an act relating to dependent adults and the provision of protective services. **Signed by the Governor – April 22, 2005.**

[SF 272](#) **Medical Assistance Advisory Committee** An Act relating to the membership of the council with which the director of human services consults regarding the medical assistance program. **Placed on House calendar under unfinished business.**

[SF 304](#) **Elder Iowans Act** An Act relating to the provisions of the elder Iowans Act. **Signed by the Governor – April 22, 2005.**

Bills of Significant Interest

Bills of Significant Interest to the Department:

[HF 119](#) **Older Iowans Legislature** A bill for an act providing an appropriation for the older Iowans legislature. (Appropriations) Committee members: Watts (C), Horbach, and Smith

[HF 420](#) **Biological Mental Illness Coverage** A bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services. (Formerly [HSB 117](#)) (Commerce) **Passed House to Senate; Floor manager: Warnstadt. Placed on calendar under unfinished business.**

[HF 478](#) **Retired & Senior Volunteers** A bill for an act relating to the Iowa commission on volunteer service. (Human Resources) (Successor to [HSB 103](#)) **Signed by the Governor – April 19, 2005.**

[HF 586](#) **Medicare Task Force** A bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date. (Human Resources) **Floor manager: Upmeyer. Placed on calendar under unfinished business.**

[HF 617](#) **Assisted Living Waivers** A bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly. **Passed Senate to Governor.**

[HF 781](#) **Direct Care Taskforce** A bill for an act relating to the establishment of a direct care worker task force. **Passed Senate to Governor.**

[HF 785](#) **MH/DD/MR/BI Services** A bill for an act relating to mental health, mental retardation, developmental disabilities, and brain injury service requirements and including an effective and applicability date. (Ways and Means) Committee members: Upmeyer (C), Kurtenbach, Winckler **Floor manager: Carroll. Deferred on April 14, 2005.**

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Bills of Significant Interest

[HF 786](#) **Health Facility Business** A bill for an act relating to the operating or providing of another business or activity in a health care facility. **Passed Senate to Governor.**

[HF 788](#) **Nursing Facility Quality** A bill for an act relating to a nursing facility quality assurance assessment, providing a contingent effective date, providing for retroactive applicability, and providing an effective date. (second committee - Ways and Means) Committee members: Carroll (C), Upmeyer, Wilderdyke **Floor manager: Carroll. Deferred on April 14, 2005.**

[HF 825](#) **Health and Human Services Budget** A bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the commission of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates. (Formerly [HSB 284](#)) **Passed House to Senate** Committee members: Hatch and Tinsman (C), Angelo, Dvorsky (Appropriations)

[HF 841](#) **Iowa Care Act** A bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability. (Human Resources & Ways and Means) **Passed House to Senate.**

[HF 862](#) **Tobacco Trust** A bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund. (Formerly [HSB 299](#))

[SF 29](#) **Long Term Care Alternatives** A bill for an act relating to the senior living trust fund, providing for appropriation of the moneys in the fund, and providing for a repeal. (Appropriations) Committee members: Angelo and Dvorsky (C)

[SF 34](#) **Older Iowans Legislature** An Act providing an appropriation for the older Iowans legislature. (Appropriations) Committee members: Angelo and Dvorsky (C)

[SF 157](#) **Older Iowans Legislature** A bill for an act making an appropriation for the older Iowans legislature. (Appropriations) Committee members: Angelo and Dvorsky (C)

[SF 335](#) **Dependant Adult Abuse** A bill for an act relating to access to dependent adult abuse information and unemployment compensation claims. (Formerly [SSB 1051](#).) **Signed by the Governor – April 22, 2005.**

[SF 341](#) **Long Term Living System** A bill for an act relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system. **Floor manager: Upmeyer. Placed on calendar under unfinished business.**

[SF 355](#) **Medicare Task Force** A bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date. **Substituted for HF 586. Amended and passed House to Senate.**



Bills of Significant Interest

[SF 412](#) **Long Term Care Plans** A bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation. (Formerly [SF 407](#).) **Passed out of committee. Floor manager: Wieck.**

Monitored Bills

Bills the Department is monitoring:

[HF 2](#) **Pension Income Phase Out** An Act relating to the phase out of state income tax on pension income and providing a retroactive applicability date. (Ways & Means) Committee Members: Boal (C), Huser, Shoultz, Soderberg and Struyk.

[HF 24](#) **SS Income Phase Out** A bill for an act relating to a phase-out of the state income taxation of social security benefits and providing a retroactive applicability date. (Ways & Means) Committee members: Boal (C), Huser, Shoultz, Soderberg, Struyk

[HF 210](#) **Nursing Licensing Fund** A bill for an act providing for the retention of licensing and renewal fees received by the board of nursing, and providing an effective date. (Appropriations) Committee members: Jacobs (C), Heaton, Mascher

[HF 215](#) **Tobacco Tax** A bill for an act increasing the taxes imposed on cigarettes and tobacco products and providing for appropriation of the increased revenue generated to the medical assistance program and for tobacco control and prevention, and providing an effective date. (Ways & Means)

[HF 227](#) **Code Editor Bill** A bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions. (Formerly [HSB 118](#)) (Judiciary) Committee members: Boettger, Fraise, Schoenjahn, and Zaun **Signed by the Governor – April 6, 2005.**

[HF 237](#) **Cigarette Taxes** A bill for an act increasing the taxes imposed on cigarettes and providing for appropriation of the revenue generated to the medical assistance program and for tobacco control and prevention, and providing an effective date. (Ways & Means)

[HF 281](#) **Inheritance** A bill for an act relating to certain penalties for filing false affidavits and the time for examining and determining a correct return under the state inheritance tax and increasing the amount of property that may be transferred to minors under certain conditions and including a retroactive applicability date provision. (Formerly [HSB 10](#)) (Judiciary) **Signed by the Governor – March 21, 2005.**

[HF 339](#) **Tobacco Retailers** A bill for an act relating to the regulation of tobacco product retailers, and making penalties applicable. (Formerly [HF 167](#)) (Public Safety) **Passed Senate to Governor.**



Monitored Bills

[HF 461](#) **SS Income Phase Out** A bill for an act phasing out the state income tax on social security benefits and on pension and retirement income and including effective and applicability date provisions. (Formerly [HF 26](#)) (Ways and Means) Floor manager: Boal. **Placed on calendar under unfinished business.**

[HF 519](#) **Expenditure Limitation** A bill for an act relating to the state general fund expenditure limitation and making appropriations to repay certain funds, and providing effective and applicability dates. (Appropriations)

[HF 536](#) **Dual Government Employment** A bill for an act relating to dual governmental employment by executive branch officials and state employees. (Formerly [HSB 123](#)) (State Government) **Passed House to Senate.**

[HF 589](#) **Nursing Home Property Taxes** A bill for an act relating to the property taxation of nursing facilities and including effective and applicability date provisions. **Passed Senate to Governor.**

[HF 724](#) **Prescription Drug Donations** A bill for an act creating a prescription drug donation and redispensing pilot program, and providing penalties. **Passed Senate to Governor.**

[HF 729](#) **Retirement Systems Change** A bill for an act relating to the Iowa public employees' retirement system and the judicial retirement system. **Passed House to Senate; passed out of subcommittee and deferred.**

[HF 748](#) **Education Savings Plan** A bill for an act providing for state employee payroll deductions for qualified tuition program contributions. **Passed Senate to Governor.**

[HF 770](#) **Food Code to DPH** A bill for an act providing for the Iowa department of public health to administer the hotel sanitation code, regulation of home food establishments, Iowa food code, and regulation of egg handlers in place of the department of inspections and appeals. (Human Resources) **Passed House to Governor.**

[HF 772](#) **Open Meetings Violations** A bill for an act relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person. **Passed House to Governor.**

[HF 819](#) **Asset Disregard** A bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation. (Formerly [HF 736](#)) Floor manager: Sands **Placed on calendar under unfinished business.**

[HF 821](#) **Prescription Drug Assistance** A bill for an act relating to the establishment of a prescription drug assistance clearinghouse program by the commissioner of insurance, and providing for a contingent appropriation. (Formerly [HF 709](#)) **Passed Senate to Governor.**

Monitored Bills

[HF 836](#) **Cemeteries Bill** A bill for an act relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties. (Formerly [HF 763](#)) (Formerly [HSB 212](#)) **Passed House to Senate. Passed out of committee. Floor manager: Dotzler.**

[HF 837](#) **Charter Agencies** A bill for an act relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations. (Formerly [HF 715](#)) (Formerly [HSB 191](#)) **Passed House to Senate.**

[HF 845](#) **Legislative Appointments** A bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions. **Passed out of committee. Floor manager: Jacobs.**

[HF 846](#) **State Gifts** A bill for an act relating to employment and improper influence ethics issues for executive branch officials and employees, and making penalties applicable. (Formerly [HF 486](#)) (State Government) **Passed out of subcommittee; Floor manager: Raeker.**

[HF 851](#) **Death Certificate Fees** A bill for an act relating to fees imposed for certified copies of death certificates. (Formerly [HF 455](#)) (Ways and Means) **Passed out of committee; Floor manager: Tomenga.**

[HF 852](#) **Inheritance Tax Credit** A bill for an act relating to an inheritance tax credit for transferring a portion of an inheritance to an entity for capital investment, programming, including education, performance, and access, in arts and culture and providing a penalty. (Formerly [HF 795](#)) (Formerly [HF 297](#)) (Ways and Means) **Passed out of committee; Floor manager: Soderberg.**

[HF 855](#) **Health Freedom Act** A bill for an act providing for the establishment of an Iowa health freedom Act. (Human Resources)

[SF 75](#) **Veterans Benefits** A bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions. (Formerly [SF 30](#).) (Appropriations) **Signed by the Governor – March 10, 2003**

[SF 93](#) **Pensions and SS Exclusions** An Act reducing the amounts of pension income and social security benefits that are taxable by the state and including a retroactive applicability date provision. (Ways and Means) Committee members McKibben & Quirnbach (C), Connolly, Zaun

[SF 113](#) **Editor Code Bill** A bill for an act relating to non substantive Code corrections and including effective and retroactive applicability date provisions. (Judiciary) ([SSB 1088](#)) **Signed by the Governor – March 3, 2005**

[SF 130 Tobacco Tax](#) A bill for an act relating to an increase in the taxes on cigarettes and tobacco products, creating a medical assistance and health promotion fund, providing for appropriations, and providing an effective date. (See [HF 215](#)) (Ways & Means) Committee members: Bolkcom & Zieman (C), Connolly, Zaun

[SF 136 Child & Dependant Care Credit](#) A bill for an act increasing the child and dependent care credit under the individual income tax and including a retroactive applicability date provision. (Ways and Means) Committee members: McKinley & Quirmbach (C), Connolly, Zaun

[SF 156 Health Center Programs](#) A bill for an act relating to health care by providing for increased health care access, developing a lay health workers network, and providing appropriations. (Appropriations) Committee members: Hatch & Tinsman (C), Angelo, and Dvorsky

[SF 376 Pension Exemption](#) A bill for an act providing an additional exclusion from pension or retirement income for certain taxpayers for purposes of the state and individual income tax and providing a retroactive applicability date. (Ways and Means)

[SF 379 Probate Code](#) A bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts. **Passed Senate to Governor**

[SF 394 Transferring Tax/Credits](#) A bill for an act relating to veterans by providing for the establishment of a department of veterans affairs, and extending veterans' benefits, preferences, eligibility for appointments, and the military service tax credit and exemption to certain members of the reserve forces of the United States and the Iowa national guard and providing an effective date. (Formerly [SF 292](#) & 333) **Passed Senate to House**

■-□-■ DISCLAIMER ■-□-■

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If you are interested in receiving or discontinuing the legislative updates, contact Erin Haafke by email at erin.haafke@iowa.gov.

Our Mission:

To provide advocacy, educational, and prevention services to older Iowans so they can find Iowa a healthy, safe, productive, and enjoyable place to live and work.